
LEGAL ASSISTANCE OFFICE

WILL WORKSHEET

Welcome to the Legal Assistance Office. This worksheet will answer common questions concerning Wills, prepare you to discuss your needs and desires with an attorney, and provide a convenient form on which to record important information. This Worksheet starts the Will preparation process. After you complete it you will discuss your Will with an attorney.

IF YOU HAVE ANY QUESTIONS WHICH ARE NOT ANSWERED BY THIS WORKSHEET, PLEASE DISCUSS THEM WITH THE ATTORNEY.

A *Will* is a legal document which states your desires concerning what will happen to your property after your death. A Will also contains other specific directions from you concerning who is to implement your instructions and, perhaps, who will care for any minor children you may leave behind.

If you die without a valid Will, the distribution of your property will be governed by laws of your state of Legal Residence, and perhaps by the laws of the state in which you die. Your wishes won't be considered.

Is all my property controlled by my Will when I die? No. For example, proceeds of insurance policies are distributed as you have designated in the insurance policy, and property which you own jointly with another person will, **normally**, go to the other joint owner.

Probate is a court procedure by which a Will is proved to be valid or invalid. Probate proceedings also address the administration of your estate, taxes, the guardianship of children, etc.

Your *Legal Residence* is a place where you have been and which you consider your permanent home. If you are on active duty or are the family member of an active duty service member, your Legal Residence is the place you intend to return to when you leave the Service. Your Legal Residence is important to your Will because when you die the laws of your state of Legal Residence will be used to interpret and implement your Will.

A *Personal Representative* is a person that you name in your Will to carry out your desires, as expressed in your will, and to settle your estate. Settlement includes paying from your estate any taxes and debts you may owe. Many married people name their spouse as Personal Representatives.

Often a security fee, or bond, is required of this person; however, most states allow you to specify in your Will that you want the fee waived for your Personal Representative.

Your Personal Representative will have an important role; choose him/her with care, and discuss the matter with him/her. Be sure that the person you name is one you trust and in whom you have confidence.

Generally speaking, you may state in your Will that you are leaving your property to anyone you wish, although there are laws in some states which may give to your spouse and/ or your children a right to a portion of your property. Most married persons leave all their property to their spouse, and, if their spouse does not outlive them, then to their children.

Some states allow you to write a memorandum or letter of instruction to your Personal Representative to tell him/her how to dispose of your property. You should discuss this with your Attorney.

As part of your Will you may name someone to be a financial custodian to manage any money or property that you leave to any child under 18 years old. Most states have a simple method appointing some adult to be the custodian for a child's property. If you are interested in this sort of arrangement, you should discuss it with the person you want to name as custodian and then discuss it with your attorney.

Can I give things to specific people? Yes, these are called ***Specific Bequests*** and you may make them by fully describing what you want to give and the person to whom it is to go. You should be careful about Specific Bequests. If you dispose of property that you describe in your Will, you may be creating difficulties for your Personal Representative.

A ***legal guardian*** is the person who will act as a substitute parent for any of your children who are minors at the time of your death. Normally, if you are survived by your spouse, he or she becomes the children's guardian if he or she is the biological or adoptive parent of the children. However, it is recommended that you name a guardian and an alternate guardian in the event that both you and your spouse die. If you or your spouse have children not born of your current marriage, you should discuss the situation in detail with an attorney to determine the most appropriate way to provide for the children.

Print Your Full Name (First, Middle, Last):

Have you ever been known by any other name ? yes or no _____

SSN# _____ Do you currently have a Will? Yes or no _____
(If so, bring it with you)

**YOUR STATE OF LEGAL
RESIDENCE:** _____

In what state are you living in now? _____

Marital Status: never married, currently married,
spouse's name: _____ previously married

**PLEASE LIST THE NAMES AND AGES (IF MINORS) OF ALL YOUR
NATURAL BORN CHILDREN, ADOPTED CHILDREN, OR STEPCHILDREN**

MILITARY STATUS: ACTIVE DUTY, RETIRED, FORMER SERVICE MEMBER
SERVICE: _____ NEVER SERVICE MEMBER __

**WHO IS THE PERSON YOU WISH TO NAME AS PERSONAL
REPRESENTATIVE OF YOUR WILL:**

Spouse or Other: _____
print person's name and his/her relationship to you

Do you want to name an alternate Personal Representative? Yes or No

print person's name and his/her relationship to you

HOW DO YOU WANT TO LEAVE YOUR PROPERTY WHEN YOU DIE?

1. SPECIFIC BEQUESTS:

2. ALL TO YOUR SPOUSE OR ALL TO : _____

3. If the person(s) named in #1 does not outlive you, then who do you want to have your property?

Your children (**IN TRUST?**) or Other: _____

4. If the person(s) named in #2 does not outlive you, then who do you want to have your property?

Your grandchildren or Other: _____

If you have any children who are minors at the time of your death, who is your first choice to be their Legal Guardian(s)?

Your spouse? Yes or No Someone Else?

(print the name & relationship)

Do you wish to have an alternate Guardian? Yes or No If yes, print person's name and relationship to you:

(print the name & relationship)

Make notes below about anything else about your Will that you want to discuss with your attorney:
